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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,520	12/05/2003	Roy Hirst	MS305473.1/MSFTP491US	2369

27195	7590	09/29/2006

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EXAMINER
MOFIZ, APU M

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *23 August 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3,6-9,23,24,26,27 and 29-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,3,6-9,23,24,26,27 and 29-32* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *05 December 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

    - 1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Applicant's Remarks

1.   Applicant's amendment submitted on August 23, 2006 with respect to claims

1,3,6-22,23,24,26,27 and 29-32 have been acknowledged.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this office action.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1,3,6-22,23,24,26,27 and 29-32 are rejected under 35 U.S.C. 102(e) as

being anticipated by Seth Maislin, US Patent Publication No. 2002/0120712 and

hereinafter referred to as Maislin.

As to claims 1,23,24,31 and 32, Maislin teaches a system that facilitates

generation of code and/or documents, comprising: a discovery component that receives

data relating to a request for at least one of a desired functionality of the programming

code and one or more desired documents (i.e., "the invention features identifying

relationship between a first subject and a second subject, receiving, from a user, a search term for

searching through the World Wide Web, **determining if the search term relates to the**

first subject, and providing information to the user that relates to the second

subject if the search term relates to the first subject. (paragraph [0003] … **the**

invention features receiving a database query from a user, identifying a

relationship between the database query and previous database queries from

the user, and providing information to the user that is based on the

relationship between the database query and the previous database queries.

(paragraph [0008] … The relationship indicates that the database query and the previous

database queries relate to substantially the same subject matter. (paragraph [0009]) … Referring

to FIG. 2, a process 44 is shown for providing useful information, such as web content, to a user

based on the **user's previous search patterns**. (paragraph [0018]) … Correlations between

various subjects may be determined "on-the-fly" by process 44, e.g., by keeping track of

numbers of users who input related search terms over time. … **When determining**

correlations, some search terms may be weighted more heavily than others.

(paragraph [0020]) … The search term may be a single keyword or a phrase containing multiple

keywords. (paragraph [0023] … **process 46 monitors (76) the search patterns** of the

new user. Process 46 does this by keeping track, e.g., storing, the search terms that the user

enters into the system. **The search terms may be monitored over a predetermined**

period of time in order to determine which terms are used repeatedly. (paragraph [0032]) ...

Process 48 is thus able to identify (88) **any relationship between the input search term and the previous search terms**. That is process 48 determines if a received search term is present in the stored search terms and if received search term correlates to other search terms in the database." (paragraph [0038]) The preceding text excerpts clearly indicate that a search system (i.e., discovery component) receives a query in a keyword format or a phrase format (i.e., natural language). The search system monitors/tracks user's previous search activities and stores search terms in a database. The user provided query search terms/keywords (after the phrase being parsed and the keywords identified) are correlated/mapped (e.g., similar terms using some similarity rules) to search terms (i.e., in the context of user's past search pattern) in the stored database and a final search query is formed using the correlated/mapped search terms to generate/ retrieve desired information/document. The search terms are weighted (i.e., given importance value/ a prioritization value). Now whether the search system searches only software development related documents and the search terms are programming related terms and the desired documents are programming related documents or whether the users are programmers are completely descriptive information and is simply *an intended use of the prior art* and thus not a patentable feature.)

([0003];[0008];[0009];[0018];[0020];[0023];[0032];[0038]); a mapping component that correlates parsed subsets of the data to specific functional objects, the functional objects represent vocabulary and terminology modeled or learned from at least one user's past patterns when searching for or seeking information; and a generator that

employs the functional objects to form at least one of the desired functionality of the

programming code and the documents

([0003];[0008];[0009];[0018];[0020];[0023];[0032];[0038]).

As to claims 2-4, 6-22 and 26-30, the limitations of these claims are either

rejected or addressed in the rejected claims above.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   As to claim 31, the claimed invention is directed to non-statutory subject matter.

A signal is not a statutory subject matter.

The rejection can be overcome by using "a computer readable storage medium".

Conclusion

6.   **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded

of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Points of Contact

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-

4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30

P.M.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the

group is (571) 273-8300.

        Any inquiry of a general nature or relating to the status of this application should

be directed to the Group receptionist whose telephone number is (703) 305-9600.

Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

September 20,2006